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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,855	09/19/2000	Masayuki Enoki	197452US2S	5425

22850 7590 02/26/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, HUY D

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

File
step

Office Action Summary

Application No.

09/664,855

Applicant(s)

ENOKI ET AL.

Examiner

Huy D Nguyen

Art Unit

2684



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmela et al. (U.S. Patent No. 6,181,938) in view of Ikata et al. (U.S. Patent No. 5,351,041).

Regarding claims 1-4, 7-8, Salmela et al. disclose steps for the DMT location updating. In step 2A-1, the dual mode terminal DMT transmits a location update request Loc_Up-date_Req. The location update request proceeds to the mobile switching center MSC. In step 2A-2, the mobile switching center MSC/SSP transmits the location update request to the Visitor Location Register VLR, which performs the location updating in step 2A-3. In step 2A-4, the visitor location register VLR transmits an acknowledgement that the location updating has been performed to the mobile switching center MSC, which transmits the acknowledgement further to the mobile terminal DMT in step 2A-5 (FIG. 2A; col. 3, lines 50-65). It is inherent that transmitting section for sending location registration request and receiving section for receiving ACK signal are included in the DMT. Salmela et al. fail to teach a control section for prohibiting power supply to the receiving section if the ACK signal is not received within a predetermined period of time. Ikata et al. teach a method of data communication between a master unit and a slave unit, the method comprising the steps of transmitting connection confirmation request information from the slave unit to the master unit, transmitting reception acknowledgement

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information from the master unit to the slave unit in response to reception of the connection confirmation request information from the slave unit, and controlling the slave units to enter a low power consumption mode in response to detection of no reception acknowledgement information from the master unit for a predetermined period of time (col. 3, lines 15-27). It would have been obvious to one of ordinary skill in the art at time the invention was made to modify the DMT in Salmela et al. to have the control section to perform the power conservation method as disclosed in Ikata et al. since that would extend the battery life on the DMT.

Claims 5-6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmela et al. (U.S. Patent No. 6,181,938) in view of Jeong (U.S. Patent No. 6,421,539).

Regarding claims 5-6, 9, Salmela et al. fail to disclose an acquiring section for acquiring a second base station if the acknowledge signal transmitted from the first base station is not received within a predetermined period of time after the location registration request signal has been transmitted from the transmitting section; and a causing section for transmitting a location registration request signal to the acquired second base station, and causing the receiving section to receive an acknowledge signal from the second base station after the second base station receives the location registration request signal from the transmitting section. Jeong teaches that when the MT moves far into the area of the base station 2, it drops the channel connected with the BTS 1 (20) and terminates the soft handoff. In this case, if the MT completes the call, either normally or abnormally, it is synchronized with the BTS 2 (50) and sends an ack signal. BTS 2 (50) detects the ack signal of the MT and requests to the MT to its register location (col. 6, lines 34-39). It would have been obvious to one of ordinary skill in the art at time the invention was made to modify the DMT in Salmela et al. to have an acquiring section for acquiring a second

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base station if the acknowledge signal transmitted from the first base station is not received within a predetermined period of time after the location registration request signal has been transmitted from the transmitting section; and a causing section for transmitting a location registration request signal to the acquired second base station, and causing the receiving section to receive an acknowledge signal from the second base station after the second base station receives the location registration request signal from the transmitting section since that would help the mobile terminal establish a better connection with the BS.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Miyazaki (U.S. Patent No. 5,031,231) teaches mobile phone station with power saving circuit.
- Houde et al. (U.S. Patent No. 5,797,094) teach method and apparatus for supporting the delivery of short message service messages to sleeping mobile stations in a cellular systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on 703-308-6732. The fax phone numbers for the

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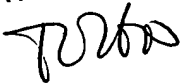
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organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-6750.

HN

February 13, 2003


THANH CONG LE
PRIMARY EXAMINER
 2/12/07

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

EXAMINER'S CASE ACTION WORKSHEET

Application No.
09/664,855



Legal Instrument Examiner

CHECK TYPE OF ACTION

DATE OF COUNT

<input checked="" type="checkbox"/> Non-Final Rejection	<input type="checkbox"/> Restriction/Election Only	<input type="checkbox"/> Final Rejection
<input type="checkbox"/> Ex Parte Quayle	<input type="checkbox"/> Allowance	<input type="checkbox"/> Advisory Action
<input type="checkbox"/> Examiner's Answer	<input type="checkbox"/> Reply Brief Noted	<input type="checkbox"/> Non-Entry of Reply Brief
<input type="checkbox"/> Defective Notice of Appeal	<input type="checkbox"/> Interference Disposal SPE _____ (Approval for Disposal)	<input type="checkbox"/> Suspension (Examiner-Initiated) SPE _____ (initial)
<input type="checkbox"/> Defective Appeal Brief	<input type="checkbox"/> SIR Disposal (use only after FAOM)	<input type="checkbox"/> Supplemental Examiner's Amendment
<input type="checkbox"/> Miscellaneous Office Letter (With Shortened Statutory Period Set)	<input type="checkbox"/> Notice of Non-Responsive Amendment (With One Month Time Period set)	<input type="checkbox"/> Miscellaneous Office Letter (No Response Period Set)
<input type="checkbox"/> Abandonment after BPAI Decision	<input type="checkbox"/> Supplemental Action (excluding Examiner's Answer)	<input type="checkbox"/> Response to Rule 312 Amendment
<input type="checkbox"/> Letter Restarting Period for Response (e.g., Missing References)	<input type="checkbox"/> Interview Summary	<input type="checkbox"/> Authorization to Change Previous Office Action SPE: _____ (Initial)
<input type="checkbox"/> Abandonment	<input type="checkbox"/> Express Abandonment Date: _____	<input type="checkbox"/> Other Specify: _____

Examiner's Name: Huy D Nguyen

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